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NSTC GREAT LAKES
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LETTER AND RESPONSE TO COMMENTS ON GLENVIEW FIRING RANGE DECONTAMINATION DEMOLITION AND HAZARDOUS SOIL DISPOSAL WORK PLAN AND HEALTH AND SAFETY PLAN NS GREAT LAKES IL
8/5/2002
TOLTEST, INC

TolTest, Inc.

Memo

To: Chris Bartku, NTC Environmental
From: Jeff Tinney, TolTest, Inc.
CC: Khush Mander, TolTest, Inc.
Date: 08/05/02
Re: Response to IEPA Comments for the Glenview Firing Range Decontamination, Demolition, and Hazardous Soil Disposal Work Plan & Health and Safety Plan. Contract No. N68950-00-D-0200, Delivery Order No. 0046.

1. **Section 3.10, page 20 – In the second paragraph it states, five random composite samples will be collected for waste characterization sampling. This is not acceptable. Illinois EPA provided comment on the use of composite sampling for this purpose at this site in a comment letter, dated January 18, 2001, to the Navy in regards to the draft Appendix B, Sampling and Analysis Work Plan, FO61 – Small Arms Range. The proposed removal area ahs since increased in size, but the comment is still appropriate. The Navy response to the original comment (no. 2) agreed and provided an alternative method. The alternative method was acceptable to the Illinois EPA. The basic concept for this alternative would still work, however, the areas of removal and sampling would need updated to the current removal plans. A copy of the facsimile received from EnSafe, Inc. eith original comment and the Navy response is attached.**

The following text was revised to incorporate the IEPA's comments in regards to waste characterization sampling:

"TolTest will collect eleven composite samples from the area defined as being lead-impacted by the EnSafe, Inc. Technical Memorandum dated June 12, 2001, to characterize the soil for treatment/disposal. Based upon EnSafe, Inc.'s sample results, there appears to be approximately nine clusters of elevated lead sample results. These nine clusters will form the basis for obtaining lead characterization samples. Because the sampling will be biased toward the highest known lead concentrations, the determination as to whether soils are hazardous with respect to lead will be a conservative determination. Figure 3A shows the waste characterization sampling points. Each aliquot will be split. For the first half, all aliquots will be homogenized together and a single composite sample will be submitted for analysis for all waste characterization parameters except Toxicity Characteristic Leaching Procedure (TCLP) lead and volatile organic compounds. For the second half, aliquots from within each area will be homogenized and submitted as composite TCLP lead samples representative of each individual area. For the TCLP volatile organic compound analysis, a representative grab sample of the soil in the removal area will be collected and submitted for analysis. Any sample submitted for volatile organic compound analysis must be a grab sample. This analytical data

will be used to create a waste profile sheet that will be submitted to the disposal facility for approval prior to commencing the excavation activities."

2. **Section 3.10, page 21 – In the first paragraph, it states, that the larger area is on the west side of the building and a smaller area is on the northeast corner of the building. According to Figure 3 and the information in Illinois EPA's possession, the larger area is on the east side of the building and the smaller area is on the southwest corner of the building. Please correct.**

The following text was revised to reflect the larger area of contamination as being east of the building and the smaller area of contamination as being west of the building:

"The smaller excavation area at the southwest corner of the building has a sample separation of approximately 13 to 15 feet. The larger excavation area east of the building generally has a sample separation of approximately 25 feet."

3. **Section 3.10.1 – This section states that the confirmation sampling will be performed using approximately 32 composite samples. This is not acceptable. Confirmation samples should not be composite samples. They should be discrete samples collected primarily from the sidewalls of the excavation. Confirmation samples should also be collected at the surface to confirm the areal extent of the contamination. Again, see the attached comment/response letter, comment and response number 4. The sampling outlines in the response was acceptable, however, with the larger removal area mow planned, it will need updating. Please make the correction.**

The following text was revised to incorporate the IEPA's comments in regards to confirmation sampling:

"A grab soil sample will be collected at each sample point on the grid with a stainless steel spoon and will be placed into separate 8-ounce clear sample jars with Teflon-lined lids. Samples from the bottom of an excavation will be collected from the bottom extent of the excavation to approximately 6 inches below the bottom extent of the excavation. Samples from the perimeter of an excavation will be collected from approximately 12 to 18 inches below original grade. The sample jars will be stored in an insulated cooler with ice. Using this procedure, approximately 36 grab samples will be analyzed, plus four random duplicates. Each sample will be analyzed for total lead by SW846 Method 7421 by Severn Trent Laboratory. Each sample point will be surveyed using a hand-held global positioning system device. This will permit the sample locations to be reproducible should the need arise to perform additional excavation and/or sampling."

4. **Section 3.11 – If the engineered fill, backfill material, will be received from off-site, it must not be contaminated above the most stringent criteria listed for 35 IAC 742 Tiered Approach to Corrective Action Objectives (TACO) Tier 1, Class 1 Residential values. The barrow soil should be analyzed, as appropriate, to confirm this prior to placement.**

TolTest will provide the NTR with a copy of the analytical report for the recycled CA-6 and topsoil prior to the placement of the backfill material.

5. **Section 6.0 – This section lists the applicable Federal regulation, but does not list the Illinois State regulation. Please include them also. They would include the following.**

35 IAC Subtitle B:	**Air Pollution, Parts 228 and 243**
35 IAC Subtitle C:	**Water Pollution, Part 302**
35 IAC Subtitle G:	**Waste Disposal, Parts 742-750 and 807-810**

TolTest incorporated these Illinois State regulations in Section 6.0 – Waste Management Plan.

6. **Appendix B – The Certificates of Completion for lead awareness for Floyd Cushing, Mike Hubans, and Mike Graf appear to have the wrong expiration date. They show training expiration as April 5, 2002. Please review and correct, if necessary.**

TolTest has scheduled a lead awareness class at the Great Lakes office on July 31, 2002. A copy of the lead awareness Certificate of Completion will be provided to the Navy Technical Representative (NTR) prior to mobilizing to the site.

7. **Appendix C – The Peoria Disposal Company permit approval letter is included twice. Please remove one copy.**

TolTest has removed one copy of the Peoria Disposal Company permit approval from Appendix C.

8. **General – Illinois EPA requests that it be added to the list for correspondence and deliverables.**

TolTest and the Department of the Navy will include the Illinois EPA in correspondence and deliverables.

TolTest, Inc.

Memo

To: Chris Bartku, NTC Environmental

From: Jeff Tinney, TolTest, Inc.

CC: Khush Mander, TolTest, Inc.

Date: 08/05/02

Re: Response to Comments for the Glenview Firing Range Decontamination, Demolition, and Hazardous Soil Disposal Work Plan & Health and Safety Plan. Contract No. N68950-00-D-0200, Delivery Order No. 0046.

Asbestos removal comments.
Part 1 – Demolition Work Plan.

1. Pages 1 & 2. The contracting officer should review a final asbestos removal plan based on the asbestos survey results from Toltest's subcontractor, Midwest Environmental Consulting Services. The contracting officer should review Toltest's submittal for compliance with contract specifications. Toltest notes on page 2 that a separate work plan for asbestos removal has been submitted. Toltest's abatement plan has not been forwarded for review by the Industrial Hygiene Division.

TolTest revised the Work Plan to reflect TolTest collecting samples of suspected asbestos containing materials and removed all reference to Midwest Environmental Consulting Services, Inc. (MECS). The Environmental Consulting Group (ECG) has been contracted by TolTest to perform the asbestos abatement air clearance sampling. GLE and associates have performed the review of the TolTest Asbestos Abatement Work Plan & Health and Safety Plan. A copy of the Illinois registered Asbestos Project Designer is attached to the Asbestos Abatement Work Plan.

Lead abatement comments.

2. Page 11. Will lead clearance sampling performed? Recommend that clearance sampling comply with the NAVFAC guide spec on clearance sampling in gun ranges.

TolTest will collect wipe samples throughout the building at the direction of the Navy Technical Representative (NTR). The wipe clearance samples will submitted to the NTR prior to demolition activities.

3. Page 15. Will exposure assessments also be performed for interior decontamination and sand trap work?

Exposure assessments will be performed for the above referenced tasks as well as the decontamination activities that occur inside the building.

4. Page 16, bottom paragraph. Recommend that specific sampling methods for the dusts sampled be noted in the job plan. Will silica sampling be performed?

TolTest will collect lead clearance samples in accordance with the Army Corps of Engineers (ACOE) specification 13281A. TolTest does not intend on collecting air samples to be analyzed for silica because TolTest does not anticipate sandblasting concrete or performing any other task that would generate silica dust.

5. Page 18. Recommend that noise exposures be addressed. What type of hearing protection will be used? What is the magnitude of noise exposures expected on this job?

TolTest does not anticipate that any of the asbestos abatement, lead decontamination, or interior demolition activities will produce noise levels in excess of 85 decibles. During the building demolition, it is expected that the heavy equipemnt will produce noise that exceeds 85 decibles and adequate hearing protection will be used (ear plugs).

6. Page 20. Lead Impacted Soils Removal. Defer comments to cognizant NTC Environmental personnel.

No response required.

7. Contracting Officer should review the final demolition plan when received.

TolTest will submit the final Demolition Work Plan and Asbestos Abatement Work Plan to the NTR for review prior to the start of field work.

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1. Provide evidence of an approved disposal facility for this project.

TolTest submitted audit packages to Mr. Kelly Devereaux, NTC Hazardous Waste Operations Manager, for the Environmental Quality Company (EQ) and the Peoria Disposal Company (PDC). Mr. Devereaux has verbally approved the PDC disposal facility and rejected the EQ disposal facility. Confirmation of Mr. Devereaux's approval of PDC can be made internally by contacting him at (847) 688-6934 x11.

2. During lead abatement & interior demolition activities, do you intend to build containment around the building?

TolTest will install critical barriers at each window, door, and exhaust opening. No additional containment will be used outside the building. TolTest will construct a decontamination unit for associates working inside the building. The decontamination unit will consist of three chambers, a dirty room, shower, and clean room.

The perimeter fence with the appropriate signage will be utilized to limit unauthorized access to the site. TolTest will maintain the fence and signage until the site is completely restored and the Navy has approved the work.

3. Stockpiled soil on plastic sheeting is unacceptable – remove and place in covered rolloffs for testing; it is not anticipated any excavated soils will be replaced on the site

The soil that is removed as part of the foundation demolition cannot be assumed "clean" or impacted with lead. This soil will be placed in roll off boxes and covered with a tarp until analytical results are collected and evaluated. The analytical results for the stockpiled soil will be used to characterize the soil as either special or hazardous waste.

4. **Identify testing of 20,000 gals of washwater for characteristic lead (address concentrations and testing method)**

TolTest has included the sampling procedure of the wash water in the Work Plan. The sample will be submitted to Severn Trent laboratories in Chicago, Illinois for analysis of TCLP lead by USEPA Method 200.7.

5. **50 wipe sample locations will be in locations field specified by Contracting Officer representative and will be of homogenous areas (thus representing other similar substrate) – please identify, also, please provide a wipe sample plan & any specific regulatory guidance you will be utilizing.**

Wipe sampling will be conducted at the direction of the Contracting Officer's Representative and TolTest estimates that 50 wipe samples will be collected to confirm that the lead concentrations are below the Illinois Housing Urban Development (HUD) Action Levels. The sample jars will be certified by Severn Trent and contain the wipe media inside the jar. A specific wipe sampling plan was not required in the Navy's Request for Proposal (RFP) dated February 19, 2002.

6. **IEPA would have to approve of the immobilization technology. Please address**

TolTest is not immobilizing any hazardous waste at the site.

7. **Please address lead paint management on steel structural members (as it relates to field management and RCRA regulations i.e. scrap metal exemption); specify the RCRA regulations in the Workplan**

TolTest will not be disturbing painted surfaces since no interior demolition will be required. If a painted surface must be disturbed, TolTest will assume the paint contains lead and will abate the area utilizing a needle gun with a High Efficiency Particulate (HEPA) vacuum attachment. TolTest has included the scrap metal exemption in the Work Plan.

8. **If wallboard is contaminated with lead dust, how can it be disposed of as construction debris?**

The ceiling tile, drywall, and acoustic tile were sampled and the analytical results indicated that the concentration of lead for each of these materials were below the characteristic hazardous waste action level of 5mg/L. The above refferenced waste will be managed as special waste and disposed of at the Kestrel Hawk landfill in Racine, Wisconsin.

9. **Please provide regulatory citation for scrap metal exemption (I am assuming where hazardous waste levels of lead dust can be kept on un-encapsulated steel electric conduit & piping?)**

TolTest included the regulatory exemption for lead based paint coated scrap metal to be recycled in the Work Plan. The specific regulation that excludes lead based painted structures from being managed as a solid waste can be found in 40 Code of Federal Register (CFR), Parts 262.4 and 262.11.

10. Caution tape and signs reference should be expanded to include management of the fence around the entire site (why do you need the tape around the building inside a locked fence?)

TolTest revised the text to state that the appropriate signage will be placed and maintained on the perimeter fence.

11. Again, immobilized ceiling tile will unlikely be able to be disposed of as non-hazardous unless testing indicates non-hw concentrations

TolTest will not be immobilizing any hazardous waste at the site.

12. Plastic sheeting/tarps on rolloffs in the past by Toltest have consistently blown off by the wind; please provide rolloff cover details

TolTest will ensure that the tarps placed over the roll off boxes are adequately secured to the roll off boxes to prevent fugitive dusts from becoming airborne.

13. Identify disposal/testing of HEPA vacuum filters for lead and asbestos

TolTest will dispose of the asbestos filters as asbestos regulated material and they will be managed in the same manner as the asbestos removed from within the building. The lead impacted filters will be disposed of as hazardous waste and will be placed in one of the trucks transporting the hazardous soil to PDC.

14. Will the lighting fixtures and bulbs be lead decontaminated? If not, what testing/manifest codes will be associated

Light bulbs and light fixtures will be decontaminated. Once the bulbs and fixtures are confirmed clean through wipe sample analytical results, TolTest will recycle the bulbs at the Superior Special Services facility in Port Washington, Wisconsin and the fixtures will be recycled at a local scrap metal facility.

15. Eventhough the doors with LBP do not require abatement, how about if they are covered in lead dust? Please specify field management and appropriate regulations in the Work Plan

Current analytical data does not support the idea of lead dust being present on doors, however, it is TolTest's intention to decontaminate the doors and recycle the doors at a local scrap metal facility.

16. **"it is assumed...respiratory protection will be worn..." inadequate wording; please be more specific**

TolTest modified the Health and Safety Plan to reflect the known conditions at the site and that respiratory protection will be required for all associates working inside the building. In addition to using respirators. TolTest will conduct an exposure assessment to evaluate the concentration of lead dust in the air.

17. **Based on past demolition projects, one fire hose typically provides Insufficient water necessary for dust control; especially on a building contaminated substantially with lead; please readdress and consider at the minimum an additional water truck**

TolTest will have two water trucks on site to adequately manage fugitive dusts during demolition.

18. **Will concrete debris require lead testing, immobilization/incapsulation? How about concrete debris in contact with sand pit? Please define appropriate regulations in Work Plan**

Concrete in contact with the sand trap and areas identified in the EnSafe Technical Memorandum as being impacted by lead will require lead testing to characterize the concrete debris as either hazardous or non-hazardous waste. TolTest will collect chip samples of the concrete and submit the samples to Severn Trent laboratories for TCLP lead analysis.

The chip sample analytical results will determine which regulations apply to the management of the waste. If the waste is found to be characteristically hazardous, RCRA Subtiltle C regulations will be applied to the management of the waste.

19. **The Navy prefers that no material on this project be stockpiled overnight considering the level of contamination at the facility unless it is in covered rolloffs or covered trucks**

As previously stated, soil excavated for the purpose of demolishing the concrete foundation will be stockpiled in covered roll off boxes.

20. **The Navy would prefer that instead of stating in the Workplan if phone or gas lines are encountered... that investigation take place now and a drawing/narrative be included in the Work Plan of where and how the utilities will be cut and capped**

TolTest has identified one gas line in the vicinity of the area. All other utilities will be identified at a utility locate meeting that will be conducted prior to demolition activities.

21. 3.10.1 please readdress sampling methodology based on IEPA's comments

TolTest has revised the confirmation sampling procedure in accordance with the IEPA's guidance letter obtained from EnSafe, Inc. TolTest has contacted Brian Conrath, IEPA, and received the IEPA's approval of TolTest's confirmation sampling methodology.

22. Please identify compaction of sub grade prior to backfilling; also, will 12 inch lifts be suitable to meet 85% compaction; if not, please have smaller lifts; telling the Navy once all backfill is placed that compaction cannot be met because of indigenous soils or moisture is not an acceptable excuse for not proof rolling lifts

TolTest will proof roll the subgrade prior to placing backfill material, however, TolTest cannot be responsible for unacceptable subsurface soil conditions. If the proof roll is found to be successful, TolTest will be responsible for meeting the compaction requirements outlined in the Navy's RFP dated February 19, 2002.

23. Wasn't hydroseeding negotiated versus seeding?

TolTest revised the text to include hydro-seeding as the method of restoring the excavated area.

24. Terminology level C is anticipated is unsatisfactory; please be specific

TolTest revised the Health and Safety Plan to discuss specific respiratory protection issues.

25. Is the Ambulance Service at NTCGL Bldg 200H appropriate for Glenview?

TolTest revised the text to incorporate the phone number to the nearest hospital.

26. DRAFT WORKPLAN & HEALTH AND SAFETY PLAN – ASBESTOS ABATEMENT AND HAZARDOUS MATERIALS REMOVAL April 2002. Since the Glenview Asbestos Abatement Plan is written identically to the NMCRC Grand Rapids DO 53 Asbestos Abatement Plan, please take any and all comments by Industrial Hygiene's Jeff Miner and incorporate into the Glenview Final Asbestos Abatement Plan

TolTest has incorporated the comments from the Grand Rapids Asbestos Abatement Work Plan in the Glenview Asbestos Abatement and Hazardous Materials removal Work Plan. A response to comments memo has been drafted and will be submitted with the Glenview Asbestos Abatement and Hazardous Materials Removal Work Plan.

Government comments 27 through 29 have been addressed in one detailed response incorporating specific regulatory citations and an incorporated letter from Brian Conrath, IEPA.

27. **Toltest intends to clean/treat and encapsulate lead contaminated debris. According to McCoy's RCRA Unraveled, "The contained-in policy, as it applies to hazardous debris, is codified at §261.3(f)(2); EPA or an authorized state can determine that debris is no longer contaminated with (or no longer contains) hazardous waste: 'This involves a case-by-case determination by EPA, made upon request, that debris does not contain hazardous waste at significant levels, taking into consideration such factors as site hydrogeology and potential exposure pathways, but excluding management practices. Debris found not to contain hazardous waste (and not exhibiting a hazardous waste characteristic) would not be subject to further Subtitle C regulation, and so could be land disposed without further treatment.'" However, according to FR Vol. 57, No. 160 pg. 37340, "debris treated by an immobilization technology would remain subject to subtitle C regulation". Please address in the Work plan as this relates to treated and non-treated, immobilized debris (e.g. ceiling tile, wallboard, pipe insulation)**

28. **"Treatment of hazardous debris (except as discussed below for 90-day on-site treatment in a container, tank, or containment building) is currently subject to the applicable interim status and permit standards of parts 264, 265, 266 and 270 . . ." "Existing §262.34 exempts from permit requirements generators who store or treat hazardous debris on-site in tanks or containers for a period not exceeding 90 days provided that the tank or container is designed and operated in compliance with Subpart I and J of part 265." Please address treatment of debris as it relates to RCRA regulations on this project in the Workplan**

29. **Would the debris have to be treated in a 90-day on-site container, tank, or containment building or a treatment permit required (per page 37241 and 37242 of the Federal Register)? If so, wouldn't the notification and certification requirements have to be met per pages 37238 and 37239 of the Federal Register? The Navy would not be interested in a management method requiring a RCRA Part B treatment permit for this project**

Several questions and comments to the Draft Work Plan were received concerning whether the lead dust abatement activities proposed by TolTest constitute a regulated activity under RCRA Subtitle C, specifically whether this is a RCRA permit required activity or is a RCRA corrective action. We feel that what we are proposing to do relative to this issue is an abatement project and not an immobilization, chemical fixation, or treatment activity. Any language in the draft that suggested differently, either expressed or implied, was unfortunate and unintended. Our approach is to conduct gross dust removal with a HEPA vacuum and then clean the affected areas further with a detergent solution. TolTest is cognizant that waste materials/media that are recovered (i.e., lead dust, rinseate water) need to be properly

managed, characterized for hazardous characteristic (i.e., TCLP lead), and disposed or treated offsite appropriately. We believe that our draft plan was not inconsistent with this fact. Relative to whether or not the lead abatement constitutes a Subtitle C activity (aside from waste disposal, see additional discussion below), we do not believe that this is the case. References and data that support this position are as follows:

- Composite and grab samples acquired by Jeff Tinney in representative locations were analyzed for TCLP lead and the results did not indicate the dust is hazardous by characteristic.

- Small arms firing ranges are not a SWMU because no solid waste management activities are occurring at these areas. The USEPA supports this view (FR 30809, 7/27/90). Per 40 CFR 266.202 (a)(1)(i), a military munition is not a solid waste when it is used for its intended purpose, which includes training. The USEPA further clarified what is meant by "intended use" relative to munitions in the Military Munitions Rule (FR 2/12/97, Vol. 62, No. 29), "*Under RCRA, the use of products for their intended purpose, even when the use of the product results in deposit on the land, does not necessarily constitute ``discard,'' is not waste management, and is not subject to regulation. For example, RCRA does not regulate the use of pesticides by farmers, even though pesticides are discharged to the environment during use (see 40 CFR 262.10(d) and 262.70). By the same logic, RCRA does not regulate the use of dynamite or other explosives during quarrying or construction activities. Similarly, EPA has consistently held that the use of munitions (military or otherwise) for their intended purpose does not constitute ``discard,'' and therefore is not a waste management activity. Section 266.202(a)(1)(i)-(iii), in finalizing proposed Sec. 261.2 (g)(3)(i)-(iii), clarifies this point and provides specific examples of military activities that are excluded from RCRA regulation.*" Further it is stated, "*In response to these comments, EPA continues to interpret the RCRA Subtitle C regulations as not extending to products whose use involves application to the land, or where use necessarily entails land application, when those products are used in their normal manner. In EPA's opinion, the use of munitions does not constitute a waste management activity because the munitions are not ``discarded.'' Rather, the firing of munitions is within the normal and expected use of the product. This is the same position EPA took regarding the discharge of ammunition and expended cartridges in an interpretive letter by Sylvia Lowrance, Director of EPA's Office of Solid Waste, to Jane Magee, Assistant Commissioner for Solid and Hazardous Waste Management, Indiana Department of Environmental Management, Sept. 6, 1988, addressing the issue of the ``applicability of RCRA regulations to shooting ranges.'' This position was also repeated in the proposed rule for Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities, 55 Fed. Reg. 30798, 30809 (1990). At the request of the United States Court of Appeals for the Second Circuit, EPA filed a brief as Amicus Curiae in Connecticut Coastal Fishermen's Assoc. v. Remington Arms Co., et al, (August 28, 1992) discussing the Agency's views on whether lead shot and clay target debris deposited on land and in water in the normal course of skeet and trap shooting is ``solid waste'' under RCRA. In that brief, EPA repeated its position that regulatory jurisdiction does not apply to products that are deposited onto the land in their ordinary manner of use. EPA sees no compelling reason to alter this longstanding interpretation of its regulatory definition of the term ``solid waste.'' Nothing*

in the language or legislative history of RCRA section 3004(y) suggests that Congress intended or desired that EPA adopt a different interpretation of ``solid waste'' with respect to military munitions. Moreover, EPA disagrees with one commenter's proposition that munitions are a ``solid waste'' when they hit the ground because they have no further function, unlike pesticides, which continue to have a function on the ground. EPA's interpretation focuses on whether a product was used as it was intended to be used, not on whether the purpose of the product is to perform some function once on the ground. For example, the use of explosives (e.g., dynamite) for road clearing, construction, or mining does not trigger RCRA regulation, even though any residuals on the ground serve no further function. Therefore, the Agency is maintaining its position that munitions that are fired are products used for their intended purpose, even when they hit the ground since hitting the ground is a normal expectation for their use. However, today's rule specifies that fired military munitions that land off-range become a statutory solid waste at a certain point, potentially subject to RCRA remedial authorities. This point is discussed further in section H which addresses military munitions at ranges." We believe that this quotation is significant in that it refers toward the end to "residuals" which in our case could reasonably be interpreted to include dust generated from the firing of ammunition.

TolTest acknowledges that the Military Munitions Rule does not apply to closed or transferred ranges, however, we believe that the Glenview facility currently meets the definition of an "inactive range" which can apply the Military Munitions Rule.

- The spent ammunition, and we believe by extension the lead dust, will become a solid waste <u>when</u> it is transported offsite. 40 CFR 266.202 (c)(1) and (2) states, "*(c) A used or fired military munition is a solid waste: (1) When transported off range or from the site of use, where the site of use is not a range, for the purposes of storage, reclamation, treatment, disposal, or treatment prior to disposal; or (2) If recovered, collected, and then disposed of by burial, or landfilling either on or off a range.*" The Military Munitions Rule states, "*With respect to on-range clearance exercises, the Agency received a broad range of comments. Some commenters requested a clarification of certain range management activities. In response, the Agency has reviewed a host of activities. In particular, the collection of fired bullets, including those that contain lead, at indoor firing ranges, is considered by EPA to be range maintenance and not hazardous waste management activities within the scope of today's rule. EPA cautions, however, that although on-range collection may not be a waste management activity, the removal of such materials from the range may result in the generation of a solid waste, and the off-range storage and subsequent treatment or disposal of such waste may be subject to RCRA regulation. EPA notes, however, that lead may be recycled under the scrap metal exemption of 40 CFR 61.6(a)(3)(ii).*" We believe that our plan is consistent with these statements.

- The vendor of the liquid that we propose to use for the cleaning, Chemical Solutions Int'l Corp., states that use of their product for the purpose that we described is not a RCRA Subtitle C corrective action or permit required activity (telecon with Jim Arnold, 7/10/02).

- Finally, the lead dust abatement activities we have proposed were outlined to the IEPA and USEPA and both parties concurred with our opinion relative to the Subtitle C and RCRA permitting issues. Both stated, and we agree, that the waste is subject to RCRA regulations when it is transported offsite (telecon with Brian Conrath, IEPA, 7/12/02, and Rita O'Brien, USEPA RCRA, Superfund, & EPCRA Call Center, 7/17/02).

References

40 CFR 266 Subpart M, Military Munitions, July 1, 2001

Email correspondence, Rhonda Bath, EFD South to Chris Bartku and Matthew Slack, EFA Midwest

Military Munitions Rule, FR: February 12, 1997 (Volume 62, Number 29)

Munitions Rule Implementation Guidance, DoD, July 1, 1998

Military Munitions Fact Sheet, EPA530-F-97-004, February 1997

Telephone conversation, Jim Arnold, Chemical Solutions Int'l Corp., July 10, 2002

Telephone conversation, Brian Conrath, IEPA, July 12, 2002, and written confirmation, July 15, 2002

Telephone conversation, Rita O'Brien, USEPA RCRA, Superfund, & EPCRA Call Center, July 17, 2002

Additional comments from Chris Bartku received August 2, 2002

1. **Include any IEPA email correspondence in Appendix (e.g. letter verifying EnSafe sampling strategy is acceptable)**

TolTest included two emails from Brian Conrath, IEPA Remedial Project Manager, verifying TolTest's confirmation sampling strategy is acceptable. The correspondence is included in Appendix C.

2. **Include in the Final Work Plan the EnSafe technical Memorandum dated June 12, 2001 and June 22, 2001.**

TolTest included both Technical Memorandums in Appendix B.

3. **Provide as an Appendix and discuss EnSafe's total lead analysis of building materials and based on a common calculation the total lead samples would probably not have failed TCLP.**

The EnSafe Technical Memorandum dated June 22, 2001 includes the total lead sample results and in Section 1.1, Page 3, TolTest included the following information:

"As general guidance, if total lead results multiplied by 10 exceed the concentration at which the EPA has determined to be hazardous (5mg/L), the waste can reasonable be expected to be characteristically hazardous. The highest total lead result indicated in the EnSafe Technical Memorandum was detected at a concentration of 43.4786 parts per million (ppm), which is below the ten times rule action level of 50 ppm."

4. **Provide TolTest's analytical results as an Appendix of building materials tested that passed TCLP.**

TolTest included the analytical report in Appendix D.

5. **Submit directly to the IEPA on TolTest letterhead copying the Navy response to their comments; TolTest's reponses 1 – 3 to IEPA comments should spell out what you will do versus saying the document was revised.**

TolTest will submit the response to comments directly to the IEPA and carbon copy the Navy. TolTest included the revised text found in the Work Plan for the response to IEPA comments 1 – 3.

6. **Provide a detailed schedule.**

TolTest included a revised schedule in Appendix A.

7. **Final Work Plan, Section 3.3 must also have appropriate asbestos abatement signage (or specify that after the lead abatement, lead signage will be removed and then the asbestos signage will be installed)**

TolTest will place the lead signage on the perimeter fence and leave the lead signage in place until soil confirmation samples indicate that the clean up objective has been met. Toltest will place asbestos signage on the perimeter fence during the asbestos abatement activities. Once the asbestos clearance results indicate that the asbestos regulated area is "clean", TolTest will remove the asbestos signage from the perimeter fence.

8. **Section 3.4 include ambient air monitoring reference and reference Section 3.7.**

TolTest revised Section 3.4 to state that an exposure assessment would be conducted while performing the various lead decontamination tasks. In Section 3.4, TolTest stated that the exposure assessment would be conducted in accordance with the procures outlined in Section 3.7.

9. **Page 19 – 20 recommend you air monitor on the perimeter fence and downwind during the entire operation including soil excavation operation.**

TolTest will perform air monitoring downwind of the building during interior lead decontamination and soil excavation activities.

10. Debris wipe samples you intend to analyze for TCLP lead – you typically cannot get enough wipes to analyze for TCLP lead, please correct.

TolTest corrected the text to state that chip samples of the concrete will be collected and submitted to Severn Trent Laboratory for TCLP lead analysis.